17

19547 **File No.** 8810/36

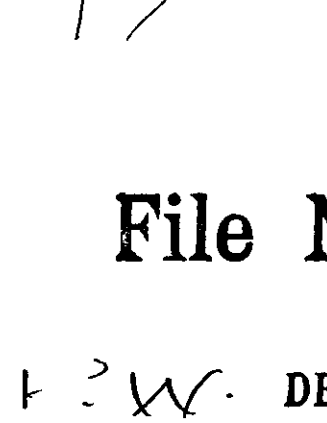
I. W. **DEPARTMENT**

B CLASS & **BRANCH** (1)

Subject:— I. S & Officers.

Transfer of from Ind. to B'bay Province.

Policy in respect of Absorption of



& (1).

File No. 8810/36

Ptd. Scott. Bllp. 24 A.

Std. Sectt. 78A e.

G.R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 8810/36

— 1 : KV DEPT.

8(1) BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Bombay,
Dated, the 5th July 1947.

From

H.P. Gurjar, Esquire, I.S.E.,
Honorary Secretary,
Civil Engineers' Association (Bombay Branch),
P.W.D.Secretariat, B O M B A Y.

To

Honourable the Prime Minister,
Government of Bombay.

Sir,

As a result of the impending constitutional changes and division of India, it is understood that certain Officers belonging to the Sind P.W.D. have requested for being transferred to the Bombay P.W.D. and that such requests are receiving the attention of the Government of Bombay. The Civil Engineers' Association (Bombay Branch) naturally views this with apprehension and therefore submits this representation for favourable consideration.

A copy has already been received. Put up without delay.
Id/-
14/7/47.
Dy.Secy.(R&B)
Urgently pl:
Id/-
14/7/47,

2. From the recent Circular Letter from the Home Department of the Government of India to the members of the Secretary of State Services, it is obvious that the Government of India will deal with such cases of rehabilitation of members of Secretary of State's Services, desirous of coming out of the Pakistan Provinces. This Association expects that the Government of India will presumably, in consultation with Provincial Governments, lay down some uniform policy and principles for the absorption of such personnel in all the Provinces under the new Indian Government, giving due consideration to the accelaration or retardation of promotions that such redistribution may cause in individual services in the various Provinces and the departments under the Government of India. It is therefore submitted that pending formulation of such general principles by the Government of India for all Secretary of State's Services, no premature consideration be given to individual requests, and that no decision be arrived at regarding only one class of people viz., the I.S.E. officers coming out of Sind.

3. This Association is aware of the shortage of technical personnel in this province; but would like to point out that such shortage is common to all provinces and that it is maximum in the ranks of the overseers and less in the Officers' cadres and ....

and that too up to the rank of Executive Engineers, whereas the members of the I.S.E. coming out of Sind are all Superintending Engineer's rank, as it is understook that even the last of the I.S.Es. in Sind (a 1933 recruit) has recently been appointed as a Superintending Engineer. This representation should, therefore, on no account be misunderstood as countering the efforts to make good the shortage of technical personnel.

4. Perhaps, the circumstances that these Sind Officers were borne on the old joint cadre with the existing Bombay I.S.E.officers, before Sind was separated and that they mostly belong to Bombay Province may be advanced as an argument to abrorb them "en bloc" in the Bombay I.S.E. cadre. In this connection, I have to stress that:-

(i) Members of Secretary of State' Services were liable to be posted to any province and normally stayed there all the time. There are cases where officers spent all their service in a foreign province.

(ii) The recruitment to each province was done on the basis of the needs of the province and the officer had to accept the province he was posted to according to the vacancies therein.

(iii) When Sind was separated the cadres were adjusted according to the needs at various stages of seniority and the officers were allotted in the same manner as they would have been recruited, were the two provinces of Bombay and Sind separate from the beginning. The officers would then have had no option but to accept their postings. This is not a hypothetical assumption as, for example, when the Roorkee Engineering College held the gurantee for the Punjab, the United Provinces, the Central Provinces and Bihar, officers obtaining the guaranteed posts were posted to the different provinces according to the needs each year irrespective of their province of domicile.

(iv) There is, therefore, no special claim for these I.S.E. officers ....

officers from Sind to be posted only to this province more than the claim of other officers who may be displaced from other Pakistan areas and these officers should, therefore, be treated exactly on the same footing.

(v) I am to emphasise once again the fact that these Sind I.S.E. officers are all of Superintending Engineer's rank, which they have attained and enjoyed uptil now because of the separation of cadres. Their return now to this province without the provision or transfer of similar number of extra Administrative posts hereto would deprive the I.S.E. officers of the Bombay Province of their legitimate expectations and safeguards provided at the time of the separation of the cadres.

5. As the proposal for absorption of the displaced I.S.E. officers of Sind "en bloc" into this province is bound seriously to affect the chances of promotion of the existing I.S.E. officers in Bombay Ptovince, this Association stresses the fact that its members have already been suffering in their promotions for quite a number of years. An officer of Bombay I.S.E. recruited in 1925, is, for example, still holding a Divisional charge in this province whereas in Sind the last of the I.S.E. officers (recruited in 1933) has, it is understood, attained the rank of a Superintending Engineer. That such a block of promotion has been existing in Bombay for quite a long time, will be apparent from the fact that officers like Messrs. Vyas, Kale and Surjar recruited in 1916, 1917 and 1919 respectively did not attain Superintending Engineer's ranks until 1944 whereas in Sind, an I.S.E officer Mr. Champekar, recruited in 1922 and very much junior by comparison, became a Superintending Engineer in 1941. Some more examples are tabulated below to illustrate the very accelerated promotions attained by the I.S.E. officers in Sind:-

contd ....

Name	Year of recruitment.	Year of appointment as Superintending Engineer.
J.M.Rijhwani.	1928	1943
A.L.Das.	1929	1945
J.D.Atkinson.	1929	1945
R.D.Singh.	1933	1947

Separation of cadres thus resulted in accelerated promotions for the officers of Sind while the officers in Bombay were not only unduly blocked but also not allowed to go to better jobs when chances arose. It would, therefore, now be nothing short of calamitious to the I.S.E.officers of this province (who will be further blocked), if the Sind I.S.E. members were allowed to enter the Bombay P.W.D. cadre en bloc with their administrative ranks.

6. While thus stressing the reasons against the absorption of the Sind I.S.E. officers en bloc into the Bombay cadre, this Association is also compelled to prominently illustrate the disadvantages under which its members have so far worked by comparing with the positions attained by I.S.E.officers recruited under identical conditions and posted to other cadres as will be seen by the following few examples, besides those quoted for Sind and those which may be available from elsewhere:

Central P.W.D.

Name.	Year of recruitment.	Year of promotion to Superintending Engineership.
P.J.Hanly.	1927	1942.
N.G.Dewan.	1932	1945
Vepa Krishnamurti.	1933	1945
	Madras.	
A.R.Venkatraman.	1933	1945

7. In conclusion it is submitted that the question of the absorption of the Sind I.S.E. officers in this Province may not be considered in advance of the general policy to be decided by the Government of India and the exploration of the possibility of their absorption in other Provinces or in the Government of India itself, where, as has been explained above,

the ....

the promotions are already accelerated. Should it be still necessary thereafter to provide for an officer or two in this province it is submitted that these officers be appointed to such administrative posts under the Government of Bombay for which it has not been possible to spare officers from the Bombay P.W.D., e.g. the post of the Principal of College of Engineering, Poona, the post of the Civil Engineer, Electric Grid etc. If this is done the new I.S.E. members will be provided for and the existing I.S.E.members of the Bombay P.W.D. who have hitherto suffered a block in promotion will also not be adversely affected.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-

Honorary Secretary,

Civil Engineers' Association (Bombay Branch).

Copies forwarded to -

The Hon urable Minister, Public Works Department,

The Chief Secretary to the Government of Bombay.

The Secretary to the Government of Bombay, Public Works Department.

E.B.(I). Public Works Deptt.

Submitted

2. In the circumstances explained in his representation, within, the Hon. Secy., Civil Engrs.' Assocn.(Bombay Bch.), requests -

(1) that the question of the absorption of the Sind I.S.E. officers in this Province may not be considered in advance of the general policy to be decided by the Govt. of India and the exploration of the possibility of their absorption in other Provinces or in the Govt. of India itself where the promotions are already accelerated; and

(2) that, should it be still necessary thereafter to provide for an officer of two in this Province, these officers may be appointed to such administrative posts under the Govt. of Bombay for which it has not been possible to spare officers from the Bombay P.W.D., e.g., the post of the Principal of the College of Engrg., Poona, the post of the Civil Engr., El.Grid., etc.

3. With regard to (1) above, it may be stated that no representation of the kind referred to in para. 1 of the Hon.Secy's letter under disposal has so far been received officially in this Deptt. It, however, appears that some Hindu I.S.E. Officers employed in Sind are moving th return to this Province. It is also likely that they will move the Govt. of India in that connection. Attention is invited to the concluding portion ~~[illegible]~~ of Para.2 of the Hon. Secy's letter, wherein it has been stressed that no premature consideration be given to individual requests and that no decisions be arrived at regarding only one class of people, viz. the I.S.E. officers coming out of Sind. There appears to be some force in this argument as whatever general policy may be laid down by this Govt. in the matter of absorption of officers at present serving in Sind or in such other areas where Pakistan Govt. will be functioning shortly, that will have to be adopted in the case of I.S.E.Officers at present belonging to the Sind P.W.D., who are ....

desirous of transferring their services to the Bombay P.W.D.

In this connection please see the petition, dated the 26-6-47, addressed on this subject by the B.S.E. Assocn., and the H.M.P.W.D's minute, dated 10-7-47 consequent upon and the deputation of that Assocn. that waited on him and the H.E.M. on the same date, particularly the portion marked "p" thereof.

4. As regards (2) above, it may be observed, that, when Sind was separated in 1936, individual wishes of all I.S.E.Officers in the matter of service either in the Bombay Province or Sind, were ascertained and, as far as possible, these Officers were posted to the Province chosen by them. Please see G.R.No.9875/27, dated the 6-6-37, containing the orders of the Secy. of State for India regarding the separation of the then existing combined cadre of the I.S.E. into two cadres for Bombay and Sind. The allocation of the I.S.E.posts was as follows:-

Posts.	Bombay.	Sind.
(a) Chief Engr. ...	1	1
(b) Supdg.Engrs. ...	4	5
(c) Dy. Secys. ...	2	1
(d) Divnl.posts. ...	21	24
(e) Training reserve posts.	9	12
Total.	37	43

The officers and the posts were allocated between the provinces of Bombay and Sind as shown in the statements "A" and "B", respectively, with effect from the 1-4-36, printed as accompts. to the G.R. It will be seen from the proceedings underlying the G.R. that the 21 Divnl. posts in Bombay shown above included 2 extra-departmental posts. It will also be seen therefrom that in allocating the officers to Bombay and Sind the following principles were kept in view:-

(1) The distribution of the officers between Bombay and Sind on the basis of the number of superior posts in these provinces.

(2) The securing of an even flow of promotion in the two provinces, thus avoiding undue acceleration of promotion in one province and an intolerable "block" in

in the other.

(3) The special aptitude of an officer for service in one province rather than in the other.

(4) The due consideration of the wishes of the officers as to future service in the respective provinces.

(5) The health of the officers, as some officers might find it difficult to stand the strain of the somewhat inclement climate of Sind.

Moreover, a period of 5 years from the 1-4-36 was proposed for adjustment between the two Govts. of Bombay and Sind of the separated cadres.

5. The following are Hindu I.S.E. officers in Sind at present:

(1) Mr. M.P.Mathrani.

2. Mr. M.L.Champhekar.

3. Mr. H.P. Mathrani.

4. Mr. J.M.Rijhwani,

5. Mr. S.D.Divatia.

6. Mr. A.L.Das.

7. Mr. L.V.Lalvani.

8. Mr. N.B.Shah.

9. Mr. K.M.Bhatia.

10. Mr. R.D.Dhir.

11. Mr. Ripdaman Singh.

Mr. M.P.Mathrani is at present Joint Chief Engr. and Jt. Secy. to Govt. P.W.D. in Sind. In 1936 on the joint Bombay-Sind I.S.E. cadre he was below Mr. C.G.Kale and above Mr. N.P. Gurjar.

Mr. M.L.Champhekar is a permanent S.E. on the Sind I.S.E. cadre. On the joint Bombay-Sind I.S.E. cadre in 1936 he was below Mr. N.V.S.Murti, who is still a permanent Ex.Engr. on the present Bombay cadre.

Mr. H.P.Mathrani is a permanent S.E. in Sind. In 1936 he was below Mr. Champhekar and above Mr. J.A.S.Manson on the joint Bombay-Sind cadre.

Mr. J.M.Rijhwani is an Offg.S.E. in Sind. On the joint Bombay-Sind cadre in 1936 he was an Asstt. Ex.Engr. and was above Mr. J.F.Paisley.

Mr ....

Mr. Divatia and Mr. Das are offg. S.Es. in Sind. The former was below Mr. Chemphekar and above Mr. J.A.S.Manson on the joint cadre in 1936, while the latter was below Mr. J.F.Paisley who is a permanent Ex.Engr. on the present Bombay cadre.

Mr. L.V.Lalvani is a permanent Ex.Engr. in Sind. Hewas below Mr. N.V.S. Murti on the joint cadre in 1936. He is at present on deputation as Administrator, Shikarpur Muny.

The services of Mr. N.B.Shah have been already placed at the disposal of this Govt. for employment in the Minor Irrign. Section of the Agri. and Rural Dev. Deptt. He is being appointed as P.A. to the Dir. of Agril.Engrg., Poona. It is understood that an undertaking has been taken from him that he will not claim any seniority for an S.E's post in Bombay.

Mr. Bhatia is a permanent Ex.Engr. in Sind. He was below Mr. U.N.Mahida, a permanent Ex.Engr. in Bombay, at the time of separation of Sind.

Mr. Dhir is a permanent Ex.Engr. in Sind. He was below Mr. N.G.Murti, a permanent Ex.Engr. in Bombay, at time of separation of Sind. It is understood that his services have since been placed at the disposal of the G. of I.

Mr. Singh is a permanent Ex.Engr. in Sind and he was below Mr. D.B.Anand on the joint Bombay-Sind cadre in 1936.

6. It is a fact that officers who had selected services in Sind did get accelerated promotions to administrative posts as compared with their contemporaries in the Province of Bombay. This has been made clear by the Hon. Secy's letter, vide para. 5 thereof. As the I.S.E. members of the Bombay Province have had to suffer in prospects for want of administrative posts in their own province, it would seem to be unfair to allow officers who got early promotions in Sind, to block the long awaited promotion of the I.S.E.officers in

this ....

this Province.

7. Orders are solicited what reply may be given to the Hon. Secy., Civil Engrs' Association (Bombay Bch.).

Id/-
24/7/47.

(a) When Sind was separated, the division of cadres was done on the principles listed in para. 4 at p. 35. Items (1), (2) and (4) thereof were naturally given more importance.

(b) As regards item (1), the two extra departmental posts for Bombay mentioned in (A) at p.35 appear to have been lost to the Bombay cadre, presumably because we did not spare our officers. This tilted the balance in favour of the Sind cadre.

(c) Regarding (2), there always appears to have been a fear of a block in Bombay "C" at p. 3 of file No.9575/27-VII. This has already come to pass as has been shown in the representation - para. 5 at pp.5 and 7 ante.

(d) Regarding (3), it is not yet known which of the officers, mentioned in para.5 at p.35, have elected to come out of Sind and to Bombay. According to today's press report [p.5 of the "Times of India" and extract as under], it appears all have requested for transfer;-

"Karachi:A hitch has arisen over the reported decision of a number of non-Muslim Sind engineers belonging to the Secretary of State's services to serve the Indian Union. In view of the heavy irrigational projects which the Government of Sind have taken in hand including the construction of the Lower Sind Barrage, this has created quite a difficult position for the authorities here.

A Hindu list of engineers in this category includes Messrs. A.L.Das, H.P.Mathrani (in charge of the Lower Barrage construction), M.L.Champekar and Ripdaman Singh. Their representation to the Sind Government that they should be realised for service to the Indian Union was the subject of a Cabinet meeting.

It is stated that an authoritative statement from the

League ....

League wing of the Interim Government regarding the security of the services of these and other officers who would otherwise like to serve Pakistan would clarify the situation."

A reference to the replies from Messrs. Divatia and Champhakar at pp.53 and 115 of file No. 9416/27 is illuminating and shows that they had no special preference for their parent province but intended to decide with any eye to better prospects. Given mental and physical peace, most of the dishoused officers would still decide for prospects rather than for their home provinces.

From a perusal of pp. 283-284 of the same file, it is seen that Messrs. M.P.Mathrani, H.P.Mathrani, Rijhwani, Lalvani, Bhatia and Ripdaman Singh preferred to serve in Sind. Mr.Dhir who was first allotted to Bombay, got an exchange to Sind with Mr. N.G.K.Murti, who came to Bombay.

(e) It is thus clear that though Govt. had intended to balance the two cadres (Sind and Bombay) for promotions,

(i) the accelerated promotions in Sind and the feared block in Bombah have come to pass;

(ii) the individual officers and were quite often, not impelled by any motive of love for their parent progince but by prospects of promotions, in their decisions regarding preference between the two cadres.

(f) The contention of the Assocn. that the Sind officers need no special consideration is thus proved.

2. Govt. expects its officers to give their best in service; this also lays an obligation on Govt. to assure that the prospects of its own officers are not jeopardised by incursions from outside. Having proved that the postings to Sind were according to the usual methods of recruitment and took into consideration that prospects of promotion and individual desires of officers and also that the officers concerned have had accelerated promotions so far, the Assocn. is right in protesting against those officers being now brought to this province and blocking all promotions and upsetting the balance which would mean all the plums for the Sind block and all the

damage ....

damage to the Bombay cadre.

3. H.P.M. has informed the B.S.E.(I) deputationists that if approached by the G. of I., this Govt. will take a sympathetic view of such transfers - "P" at p.43 of file No. S.37/25/15960. This was, perhaps, at the time when it was expected that only 3 or 4 officers might be involved. If, however, the press report referred to above is correct (as I understand it is), the matter will need further thought. Even otherwise and also as it is understood from R.B.Khosla (the Commissioner, Indian Waterways, Irrigns and Navign. Commission), that a very large number of Hindu officers from the Punjab are likely to need rehabilitation, it is necessary tentatively decide our attitude in the matter.

I submit that if an enquiry regarding these Sind or other officers is received from the G. of I., this Govt. should ask as to what other provinces are doing in the matter and suggest a rehabilitation of the officers concerned in the various provinces and the G. of I. Deptts. in such a way as to equalise the changes of promotion everywhere; the same policy will, of course, apply in the case of all other Secy. of State Services.

This policy will not adversely affect our efforts to make good shortage in our technical staff which exists in the lower ranks and not in the upper ones, where the rehabilited officers will generally have to fit in. This will, while co-operating with the general plan of rehabilitation, also be fair to our own officers.

4. The second request of the Assocn. - para.2(2) at p.33 following logically from the facts of the case. The Govt. having refused to let our officers go out to better jobs and even the two extra departmental posts, the Assocn. is naturally desirous of avoiding any incursions into the already blocked cadre.

A decision on this question would, however, be taken only after a general policy regarding rehabilitation has been decided on an all-India basis.

5. In view of the foregoing, the Assocn. may be informed that:

(a) ....

(a) Govt. does not propose to take any action regarding taking in any officers whether from Sind or other Pakistan areas except after the decisions regarding an all-India policy to be decided in consultation with the G. of I. and other provinces.

(b) The second question will be decided after (a) above and Govt. will keep in view the interests of its own officers as far as may be possible in conformity with the all-India policy.

These will be fair to both the Govt. and the Assocn.

Id/-
25/7/47. Secy(R)

Id/-
29/7 Secy(I)

There is nothing I can add to the above noting with which I agree.. In the circumstances the Association may be ~~informed~~ informed as suggested in para. 5, page.40.

Id/-
31/7/47.

Ch.Secy.

H.M. P.W.D.

H.P.M.

H. (M.S.)

The Association recognises that the I.S.E. officers serving in Sind have a right to a transfer to some other Province in India. Those who, like Messrs. Champhekar and Divatia, are natives of Bombay Province have also a moral right to a transfer to this Province, which we have recognized even in the case of persons not covered by the Viceroy's Announcement, i.e., residents of Bombay Province serving elsewhere in various capacities. The members of the I.S.E. serving in Sind who are themselves Sindis or Punjabis have no claim to be transferred to Bombay in preference to other Provinces of the Indian Union. In view of the assurances given by the Partition Council and the Pakistan Government, they should be willing to continue in Sind; but in any case they should be satisfied with a transfer to some other Province in Upper India, like Eastern Punjab or U.P. or, as the Association emphasizes, the Central Government.

IM ....

If no transfer can be arranged and they can satisfy the Governor General that they have ligitimate cause for anxiety about their future in Sind, then they will be entitled to compensation under paragraph 5 (iii) of the Viceroy's Announcement, although the deputation which saw H.M. and H.P.M. last month seems to have been told that this was not feasible.

2. If Mr. Champhekar returns to Bombay, he would take rank below Mr. N.V.S.Murti, and those junior to him will be compensated by the premature retirement of Mr. J.R.Phillips. Similarly, if Mr. Divetia returns those junior to him will be compensated by the retirement of Mr. N.B.Gadre who has expressed a wish not to continue. Thus, there would be no worsening of the position of the officers of this province in the matter of promotion; but of course the case they have tried to make out is that they have suffered in the past and are now looking forward to the departure of European officers to improve their prospects in the future and that this improvement should not be neutralized by the return of I.S.E. men from Sind. Any how the proposed reply is quite non-committal and might issue.

Id/-
8/8/47.

H.M.P.W.D. Id/-
11/8/47.

H.P.M. Id/-
19/8

E.B.(I). P. W. D.

Resubmitted with a draft for approval.

Id/-
26/8/47. Id/-
26/8

8810/36.

No.8810/36-E(I)

Public Works Department.

Bombay Castle, 26th August 1947.

To

The Honorary Secretary,

Civil Engineers' Association (Bombay Branch),

P.W.D. Secretariat, Bombay.

Subject: Transfer of I.S.E. Officers from Sind to Bombay Province: Policy in respect of absorption of -.

Dear Sir,

With reference to your representation dated the 5-7-1947, addressed to the Hon'ble the Prime Minister, Government of Bombay, on the subject mentioned above, I am directed to inform you as follows:-

(a) Government does not propose to take any action regarding taking in any officers whether from Sind or other Pakistan areas except after the decisions regarding an all-India policy to be decided in consultation with the G. of I. and other provinces.

(b) The question as to whether officers from other Provinces should be appointed to such administrative posts under the G. of Bombay for which it has not been possible to spare officers *as far as may be possible in conformity with the all-India policy.

*see in the margin.

*from the Bombay P.W.D., will be decided after (a) and Govt. will keep in view the interests of its own

D.A.- Nil.

Yours faithfully,

Id/-
26/8/47.

Id/-
26/8/47.

SAP/-